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DEPARTMENT OF
WATER RESOURCES

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Attorney for Dana L. Hofstetter

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA	)	Subcase Nos. 37-296A, 37-296B, 37-296C,
	)	37-717, 37-1216, 37-7854, 37-19740
	)	and 37-21412
	)	
Case 39576	)	AFFIDAVIT OF DANA L. HOFSTETTER
	)	IN SUPPORT OF MOTION TO
	)	VACATE AND RESET CASE DEADLINES
_____	)	AND TRIAL DATES

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

Dana L. Hofstetter, being first being duly sworn upon oath, deposes and says:

(1) I am Dana L. Hofstetter, counsel of record in this matter for Dana L.

Hofstetter.

(2) I have personal knowledge of the facts set forth herein.

(3) On December 6, 2011, I first received the Amended Settlement Term Sheet asserted to be between Indian Creek Ranch Owners Association, Inc. ("ICROA") and the City of Hailey by email from Randy Budge. In response to my subsequent request, Mr. Budge provided me the Settlement Term Sheet asserted to be between ICROA and the City of Hailey by email dated December 10, 2011.

(4) After reviewing the Amended Settlement Term Sheet and the Settlement Term Sheet, on December 13, 2011, I sent an email to Mr. Budge, requesting a settlement meeting with ICROA Board members to discuss settlement of my Objections in these Subcases. A true and correct copy of this email is attached hereto as Exhibit A.

(5) It was not until a conference among counsel at the January 4, 2011, Status Conference that a meeting between ICROA Board members and me was scheduled. The planned meeting date was January 18, 2012, in Boise. In part, the meeting was scheduled at this time to enable settlement to be pursued prior to upcoming case deadlines.

(6) Due to weather conditions on January 18, 2012, the Boise meeting was cancelled. A true and correct copy of Mr. Budge's email notifying me of the need to cancel the meeting is attached hereto as Exhibit B.

(7) The settlement meeting currently is rescheduled for January 24, 2012, at 11:00 a.m. in Boise.

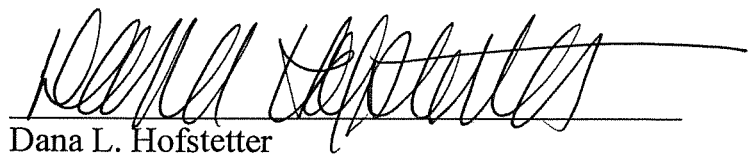
(8) Additional time to pursue settlement would help potentially avoid the need for a trial. The imminent trial dates and other upcoming case deadlines make it difficult to pursue settlement simultaneously.

(9) Mr. Budge has represented by email, a true and correct copy of which is attached hereto as Exhibit C, that ICROA has no objection to vacating and resetting case deadlines and trial dates.

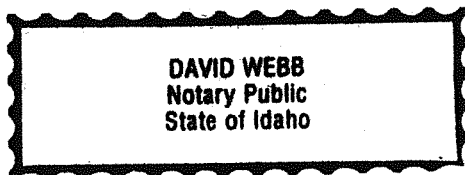
(10) On January 18, 2012, I sent a similar email request to Mr. Creamer requesting as to whether the City of Hailey objects to vacating and resetting case deadlines. A true and correct copy of this email is attached as Exhibit D hereto. As of the time of the filing of this Affidavit, I have not received a response from Mr. Creamer.

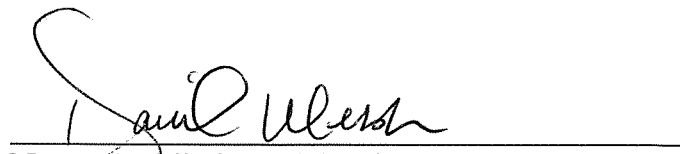
FURTHER YOUR AFFIANT SAYETH NOT.

DATED this 20th day of January, 2012.


Dana L. Hofstetter

SUBSCRIBED AND SWORN to before me this 20th day of January, 2012.




Notary Public in and for the State of Idaho
Residing at: Boise
My Commission Expires: 5/13/2017

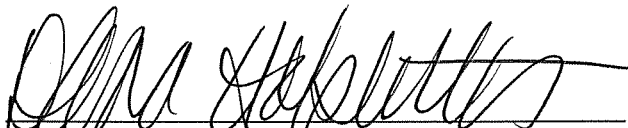
CERTIFICATE OF SERVICE

I hereby certify that I caused to be served a copy of the foregoing document (including any attachments) this 20th day of January, 2012, by the pre-paid method(s) indicated below to:

IDWR
Document Depository
P.O. Box 83720
Boise, Idaho 83720-0098
☒ U.S. Mail ☐ Fed Ex ☐ Hand ☐ Fax

Randall C. Budge
P.O. Box 1391
Pocatello, Idaho 83204-1391
☒ U.S. Mail ☐ Fed Ex ☐ Hand ☒ Fax

Michael C. Creamer
P.O. Box 2720
Boise, Idaho 83701-2720
☒ U.S. Mail ☐ Fed Ex ☐ Hand ☒ Fax


Dana L. Hofstetter

Re: FW: City of Hailey - ICROA Settlement Term Sheet [IWOV-GPD...

Subject: Re: FW: City of Hailey - ICROA Settlement Term Sheet [IWOV-GPDMS.FID496223]

From: Dana Hofstetter <Dana@IdahoWaterLaw.com>

Date: Tue, 13 Dec 2011 13:40:38 -0700

To: Randy Budge <rcb@racinelaw.net>

CC: "Candice M. McHugh" <cmm@racinelaw.net>, Ben Hoff <benhoff@mindspring.com>, 'Indian Creek Owners' <icroainfo@indiancreek.info>

Randy:

My husband and I have carefully reviewed the Term Sheet. There are a number of matters that we would like to discuss with you and the ICROA Board. We would make ourselves available for a meeting in Hailey asap.

Thank you,
Dana

Subject: Indian Creek - Hofstetter Meeting - Boise 1-24-12 2pm

From: Randy Budge <rcb@racinelaw.net>

Date: Wed, 18 Jan 2012 15:52:53 +0000

To: Dana Hofstetter <Dana@IdahoWaterLaw.com>

CC: Randy Budge <rcb@racinelaw.net>, "Candice M. McHugh" <cmm@racinelaw.net>, 'Ben Hoff' <benhoff@mindspring.com>, 'Risa Williams' <icroainfo@indiancreek.info>, "'Jean A. Latham'" <jeanlatham@gmail.com>

Dana,

Due to the weather we must postpone our Indian Creek Meeting today and reschedule it for next Tuesday, January 24 at 2pm in our Boise office.

This works for me and the Board and we will plan on that assuming it works with your schedule.

Thanks!

Randy

Randall C. Budge
Racine, Olson, Nye, Budge & Bailey, Chtd.
201 E. Center Street
P. O. Box 1391
Pocatello, ID 83204
(208) 232-6101 Ext. 340
(208) 232-6109 Facsimile
rcb@racinelaw.net

Subject: RE: Indian Creek - Hofstetter Meeting - Boise 1-24-12 2pm 4082.1

From: Randy Budge <rcb@racinelaw.net>

Date: Wed, 18 Jan 2012 20:05:28 +0000

To: Dana Hofstetter <Dana@IdahoWaterLaw.com>, "Candice M. McHugh" <cmm@racinelaw.net>

We would not object to your motion and you can represent that in the filing.

Randall C. Budge
Racine, Olson, Nye, Budge & Bailey, Chtd.
201 E. Center Street
P. O. Box 1391
Pocatello, ID 83204
(208) 232-6101 Ext. 340
(208) 232-6109 Facsimile
rcb@racinelaw.net



Subject: SRBA Subcase Nos. 37-296B et al.

From: Dana Hofstetter <Dana@IdahoWaterLaw.com>

Date: Wed, 18 Jan 2012 14:08:12 -0700

To: Michael C Creamer <mcc@givenspursley.com>

CC: Randy Budge <rcb@racinelaw.net>, "Candice M. McHugh" <cmm@racinelaw.net>

Mike:

As you may recall, I scheduled a settlement meeting today with ICROA and their counsel. Due to the weather, the meeting has been postponed until January 24. As you know, the deadline to exchange exhibit and witness lists is also next Tuesday the 24th and the pre-trial conference is next Wednesday the 25th and the trial is scheduled for February 15-17. Since ICROA and I are not able to meet this week and in view of the 37-717 Amended Claim, I am planning to ask the Court to reset these deadlines. Would the City stipulate to a motion to reset any of these three dates/deadlines? Randy has indicated that ICROA would not object to such a motion and that I can represent that in the filings.

Dana